

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM WAYNE SZUDERA,

Defendant.

CR 16-70-GF-BMM

**ORDER**

Defendant William Wayne Szudera (Szudera) appeared before United States Magistrate Judge John Johnston on December 7, 2016, and entered a plea of guilty to being a Felon in Possession of Firearms and Ammunition as charged in the Indictment. Judge Johnston entered Findings and Recommendations on December 7, 2016. (Doc. 17). Judge Johnston determined: (1) that Szudera was fully competent and capable of entering an informed and voluntary plea; (2) that Szudera was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) that Szudera understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Szudera's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense; and (5) that Szudera had adequate time to discuss this matter with counsel.

(Doc. 17 at 1-2). Judge Johnston recommended that this Court accept Szudera's plea of guilty to being a Felon in Possession of Firearms and Ammunition as charged in the Indictment. (Doc. 17 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

Szudera's Motion to Change Plea (Doc. 11) is GRANTED.

DATED this 5<sup>th</sup> day of January, 2017.



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Brian Morris  
United States District Court Judge